IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE

SE/S Sandhill Road, 123' NE of * DEPUTY ZONING COMMISSIONER the c/l of Beefwood Court (237 Sandhill Road) * OF BALTIMORE COUNTY inth Election District 6th Councilmanic District * Case No. 92-352-A

Richard J. Lewis petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Potition for Administrative Variance in which the Potitioner requests reflief from Section 1801.2.c.l of the Baltimore County Zoning Regulations (B.C.M.R.) to permit a building separation of 12.3 feet in lieu of the required to feet and to amend the Last Amended Final Development Plan of

Golden Tree, in accordance with Petitioner's Exhibit 1. The Petitioner filed this request through the Administrative Variance procedure. At the request of Mr. & Mrs. Blake Holley, adjoining property owners, a public hearing was held to determine the appropriatness of the relief requested.

At the hearing, the Petitioner, Richard Lewis, appeared and testified. Appearing in opposition to the relief requested were Blake and Rebecca Holley, adjoining property owners, and Dorothy Graves, a resident

of the community. Testimony indicated that the subject property, known as 237 Sandhill Road, consists of 6,000 sq.ft. split zoned D.R. 5.5 and D.R. 10.5, > and is improved with a single family dwelling. The Petitioner is desirous of adding a single car garage on the south side of the dwelling in accordance with Petitioner's Exhibit 1. Mr. Lewis testified that the proposed garage is 12^+ x 24^+ and due to the location of the existing dwelling on

16/1/92

his property, will be located 4 feet from the property line, or 12 feet from the adjoining residence, owned by Blake and Rebecca Holley. Mr. Lewis testified that he purchased his home in 1986 and specifically requested his builder to offset the dwelling on his lot to permit the construction of a garage on the south side. Mr. Lewis testified that he spoke with two other neighbors who indicated they obtained variances to do the same.

Blake and Rebecca Holley appeared in opposition to the relief requested. Also appearing in opposition to the requested variance was Dorothy Graves. Ms. Graves testified that there are certain covenants and restrictions as to the types of improvements that can be made in this development. She testified that the other variances that were granted were for bigger lots and that there is not enough room between the subject property and the Holley property to construct a garage.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

92-352-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

ESSEX, MARYLAND 21221

O THERE ARE EXISTING ZONING VARIANCES IN THE GOLD ENTREE SURDIVISION FOR ATTACHED GARAGES.

TESE PROPERTIES ARE KNOWN AS 226 COMPASS ROAD, I BOX CIRCLE, AND 8821 GOLDONTREW LAWE.

WOULD NOT AFFECT WARDE RULOFF DE INTERFERE WITH EASENEDTS. OTHER LOCATIONS WOLLD DO THIS.

BITHE INCREMEING COST OF MOTOR VEHICLES AND MAINTENANCE HAS BEDOME SUCH A HIGH BURDEN THAT

VEHICLES SHOULD BE PROTECTED FROM THEFT AND WEATHER TO MAXIMIZE RETURN ON INVESTMENT.

ATTHERE IS A NOTE FOR A GARAGE FOR STORAGE OF LAWN AND GARDEN EQUIPMENT, NOT ONLY

FOR STORAGE SAKE BUT TO REDUCE PILFERAGE AND ELIMINATE COMMUNITY EYESORE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

OTHIS IS THE ONLY PRACTICAL AREA ON THE PROPERTY FOR THE PROPOSED GARAGE. PROPOSED LOCATION

testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 237 SANDHILL ROAV

ar Tri

After due consideration of the testimony and evidence presented, it appears that the relief requested should be denied. In the opinion of this Deputy Zoning Commissioner, the Developer of this community laid out the lots without garages in order to meet minimum setback requirements and maximize the residential density of this tract. There simply is not enough room between the subject dwelling and the adjoining residence to permit the proposed garage. Further, there was insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 044 day of June, 1992 that the Petition for Administrative Variance requesting relief from Section 1801.2.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building separation of 12.3 feet in lieu of the required 16 feet and to amend the Last Amended Final Development Plan of Golden Tree, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

> redrow Deputy Zoning Commissioner for Baltimore County

- 3-

1. There are existing zoning variances in the Goldentree subdivision for attached garages. These properties are known as 226 Compass

garage. Proposed location would not affect water runoff or interfere with easements. The use of any other location on the property would not be feasible due to grade and the affect on water runoff.

such a high burden that vehicles should be protected from theft and weather to maximize return on investment.

4. There is a need for a garage for storage of lawn and garden equipment, not only for storage sake but to reduce pilferage and eliminate community eyesore

programme of the species of

Suite IB Comflows - 400 V. ashington Avenue Towson, MD 21201

(440) 887 4386

20m8 154 1597

Mr. Richard J. Lewis 237 Sandhill Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/S Sandhill Road, 123' NE of the c/l of Beefwood Court (237 Sandhill Road) 15th Election District - 6th Councilmanic District Richard J. Lowis - Petitioner Case No. 92-352-A

Dear Mr. Lewis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Blake Holley 235 Sandhill Road, Baltimore, Md. 21221

Ms. Dorothy Graves 111 Sandhill Road, Baltimore, Md. 21221

People's Counsel

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

___(1970) 1B01.2.C.1 To allow a building separation of 12 3 in lieu of the required of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

SEC ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for I/we do solemnly declare and affirm, under the penalties of perjury,

that I/we are the legal owner(s) of the property which is the subject

SANDHILL RO. H 682-5524

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this ______ day of ______, 19___, that the subject matter of this petit by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

ZONING COMMISSIONER OF BALTIMORE COUNTY

of Maryland, in and for the County aforesaid, personally appeared

AS WITNESS my hand and Notarial Scale

HARDSHIP OR

PRACTICAL DIFFICULTY

92-352-A Road, 1 Box Circle, and 8821 Goldentree Lane.

2. This is the only practical area on the property for the proposed

3. The increasing cost of motor vehicles and maintenance has become

ZONING DESCRIPTION

Beginning at a point on the southeast side of Sandhill Road which is sixty feet wide at a distance of one hundred and WewTHEWST twenty-three feet of the centerline of Beefwood Court which is thirty feet wide, curb-to-curb. Being Lot #377, Section #4 in the subdivision of Goldentree as recorded in the Baltimore County Plat Book #51, Folio #85, containing 6,000 square feet. Also known as 237 Sandhill Road and located in the 15th Election District

ZONING DEPARTMENT OF BALTIMORE COUNTY 92-352-14

ed for: Variance	Date of Posting 4/3/92
doner: Richard J. Lowis	, , , , , , , , , , , , , , , , , , ,
ion of property: SFIS Sand hillico	1 123' NE/BOSFWOOD CT
97 SandhillRe	
ion of Signer Facing Sandhell Re	d approxi 15 Fr. You duty
poperty of Petitioner.	
Pks :	
ed by Makely	Date of return: 4/10/92

ING DEPARTMENT OF BALTIMORE COUNTY 97-353- A

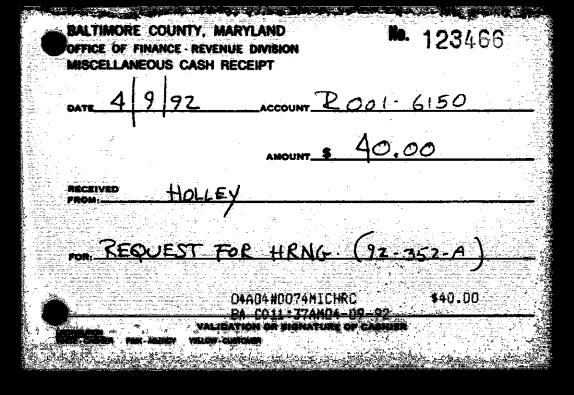
	Tourse, Maryland
natrice 15Th	Date of Posting 5/22/92
1/8719763	
editioner: Aicherd J. Lewis	hill Rd. on SF/s + 173 Wif Bufusud ct
ocation of property:	
Tacino roods	vay on proporty being tox-v
Location of Signal	
Remarks:	Date of return: 5/29/92
Posted by Signature	Date of refund

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _

weeks, the first publication appearing on _

THE JEFFERSONIAN.



M9200607

6/12/92

PRICE

080 -POSTING SIGNS / ADVERTISING 1 X \$77.25 TOTAL: \$77.25 LAST NAME OF DWNER: LEWIS

PUBLIC HEARING FEES

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Moning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Rocan 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

SE/S Sandhill Road, 123' NE of c/l Beefwood Court 237 Sandbill Road 15th Election District - 6th Councilmanic Petitioner(s): Richard J. Lewis BEARING: WEDNESDAY, JUNE 10, 1992 at 9:00 a.m.

Variance to allow a building separation of 12 feet, 3 inches in lieu of the required 16 feet; and to amend the last amended Final Development Plan of Golden Tree.

Lawrence E. Schmidt Zoning Commissioner of Baltimore County

cc: Richard L. Lewis Mr. & Mrs. Halley

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

May 28, 1992

Mr. Richard J. Lewis 237 Sandhill Road

> RE: Item No. 380 Case No. 92-352-A Petitioner: Richard J. Lewis Petition for Administrative Variance

Dear Mr. Lewis:

Essex, MD 21221

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 20th day of March, 1992.

Zoning Plans Advisory Committee

Petitioner: Richard J. Lewis Petitioner's Attorney:

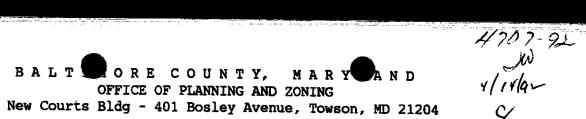
BALT ORE COUNTY, MARY AND OFFICE OF PLANNING AND ZONING

Baltimore County Government Office of Zoning Administration

and Development Management Office of Planning & Zoning

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) HUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SHIES) FROM THE PROPERTY UNITS. THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or



(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

DATE: 5.27.92

Mr. Richard J. Lewis 237 Sandhill Road Essex, Maryland 21221

CASE NUMBER: 92-352-A

237 Sandhill Road

Pear Petitioner(s):

DIRECTOR

SE/S Sandhill Road, 123' NE of c/l Beefwood Court

your Order, immediate attention to this matter is suggested.

15th Election District - 6th Councilmanic

Petitioner(s): Richard J. Lewis

TO:	Arnold Jablon, Director - Zoning Administration & Development Management

Office of Planning and Zoning

April 14, 1992

Goldentree - 237 Sandhill Road

INFORMATION:

Item Number: 380 Petitioner: Mr. Richard J. Lewis

0.14 acres 6,000 sq. ft. D.R. 5.5 and D.R. 10.5

Administrative Variance to allow a building separation of 12'3" in lieu of 16' Requested Action:

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting an administrative variance to allow a building separation of 12'3" in lieu of the required 16' and to amend the last amended FDP of

This staff recommends <u>DENIAL</u> of this request for the following reasons. The developer designed and laid out these lots without garages to fit minimum zoning setbacks in order to maximize the residential density of the tract. Garages are not appropriate in this subdivision due to the minimum side yard setbacks for the houses. Homeowners are visually aware of this (building type and minimum setbacks) when they purchased their homes.

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ivision	Chief	:	 · · · · · · · · · · · · · · · · · · ·	
H:rdn				

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epared	pA:		
vision	Chief:		
rdn			

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

116192 4494-92

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili SUBJECT: 2.A.C. Comments

C.A.C. MEETING DATE: March 30, 1992

This office has no comments for item numbers 363, 366, 367, 368, 369, 370, 371, 372, 374, 375, 377, 378, 379, 380, 381 and 382.

Traffic Engineer II

 ${\tt RJF/lvd}$

BALT MORE COUNTY, MAR AND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 15, 1992

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of March 30, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

SSF:rmp

NO CMNT/GWRMP

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

APRIL 2, 1992

 $(301).88^{-1}500$

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

Item No.: 380 (CAM)

RE: Property Owner: RICHARD J. LEWIS

#237 SANDHILL ROAD Location:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda: MARCH 30, 1992

7. The Fire Prevention Bureau has no comments at this time.

Noted and Planning Group (Approved Fire Prevention Bureau Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 30, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 362, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

> ROBERT W. BOWLING, P.E. Chief Developers Engineering Division

RWB:DAK:s

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY: Re: Case Number: 92-352-4 Petitioner(s): Mr Kichard Seines Location: 237 Sandhield

1/WE, Many Mrs Blake Holley and Rebecca
(TYPE OR PRINT)

(Slegal Owners () Residents, of

235 Sandhill Rd

City/State/Zip Code

Phone

Which is located approximately 133 ft feet from the Bestive of property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue March 27, 1992

(410) 887-3353

COPY

Richard J. Lewis 237 Sandhill Road Essex, Maryland 21221

Towson, MD 2120 i

LOCATION: SE/S Sandhill Road, 123' NE of c/l Beefwood Court 237 Sandhill Road

15th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 5, 1992. The closing date is April 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 237 SANPHILL ROAD
See pages 5 & 6 of the CHECKLIST for additional required information
Plat book# 51, tolio# 85, lot# 377, section# 4 PLAT # 1 OWNER: RICHARD J. LEWIS Cetitioner's Ex#1 prepared by: Richard J. Leuri Scale of Drawing: 1'= 50'

Vicinity Map LOCATION INFORMATION Councilmanic District: 6 Election District: 15 1'-200' scale map#: NE - 4H Zoning: D.R. 5.5 + D.R. 10,5 Lot size: 0.14 6,000 square feet SEWER: 🛛 🗌 WATER: 🛛 🗌 Chesapeake Bay Critical Area: 🔲 🔀 Prior Zoning Hearings: Zoning Office USE ONLY!

380

Pet Ex # A

